THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.18148 of 2006

Dated: 01-09-2006

Between:

Smt Allu Shouriamma.

..Petitioner

and

Gullipilli Shouriraju and another.

..Respondents.

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.18148 of 2006

ORDER:

Heard the learned counsel for the petitioner and perused the material on record.

The petitioner claims title and possession in respect of a house property situated in Visakhapatnam. It is her case that since the said property belonged to her late father, she is entitled to 1/6th share along with her sisters and brothers. However, it is admitted by the petitioner herself that her late father executed a registered gift deed dated 08-03-2004 in favour of his three sons including the 1st respondent herein. The petitioner has also filed O.S.No.1680 of 2006 on the file of the Court of the III Junior Civil Judge, Visakhapatnam District against both the respondents herein, in which the 1st respondent herein was directed not to dispossess the petitioner herein. Thus, it is clear that both the petitioner and the 1st respondent are making rival claims in respect of the property in question and it is for them to sort out the inter se dispute by approaching the competent Civil Court.

As on today, the fact remains that the 2nd respondent has rightly invoked the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') and the Chief Metropolitan

Magistrate, Visakhapatnam, passed an order dated 21-08-2006 under Section 14 of the Act directing the petitioner to vacate the property in question.

Nothing has been placed before this court to show that initiation of such proceedings by R2 is illegal or without jurisdiction. Hence the interference by this Court at this stage is not warranted. If the petitioner is still aggrieved, it is open to her to work out the remedy of appeal as provided under Section 17 of the Act.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under law. No costs.

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G. ROHINI, J

Dated: 01-09-2006

sj